

## ENROLLED ORIGINAL

## A RESOLUTION

18-434

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To confirm the appointment of Mr. John Boardman to the Washington Convention and Sports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention and Sports Authority Board of Directors John Boardman Confirmation Resolution of 2010".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. John Boardman  
1723 Shepherd Street, N.W.  
Washington, D.C. 20011  
(Ward 4)

as a labor representative of the Washington Convention and Sports Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05), replacing Joslyn Williams, whose term expired May 16, 2009, for a term to end May 16, 2013.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-435

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$8.9 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the National Association of Student Personnel Administrators in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "American Society of Nephrology Revenue Bonds Project Approval Resolution of 2010".

## Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the American Society of Nephrology, a nonprofit corporation organized under the laws of the District of Columbia and exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and

## ENROLLED ORIGINAL

other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Project" means:

(A) The financing, refinancing or reimbursing of all or a portion of the borrower's cost of acquiring, constructing, renovating, furnishing, and equipping a new headquarters facility of the borrower, including all or portions of floors 7 and 8 (suites 700 and 800, respectively) of the building, a pro rata share of the building common elements, 5 parking spaces, and improvements and personal property, located at 1510 H Street, N.W. (Lot 25, Square 221) ("Facility");

(B) The paying of certain expenditures associated therewith, including, without limitation, Issuance Costs, reserves, and credit enhancement costs.

### Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of, undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly

## ENROLLED ORIGINAL

to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$8.9 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and of social services within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

#### Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$8.9 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

#### Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds and denominations of the bonds;

## ENROLLED ORIGINAL

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

#### Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or

## ENROLLED ORIGINAL

below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, on, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed,

## ENROLLED ORIGINAL

printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents

## ENROLLED ORIGINAL

or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, or its elected or appointed officials, officers, employees, or agents, as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the



## ENROLLED ORIGINAL

bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-436

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To confirm the appointment of Mr. Calvin Nophlin to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Calvin Nophlin Confirmation Resolution of 2010".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Calvin Nophlin  
1441 35th Street, S.E.  
Washington, D.C. 20020  
(Ward 7)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, for a term to end May 7, 2012.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-437

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To confirm the appointment of Mr. Mike Silverstein to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Mike Silverstein Confirmation Resolution of 2010".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Mike Silverstein  
1301 20th Street, N.W., Apt. 705  
Washington, D.C. 20036  
(Ward 2)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, to fulfill the unexpired term of Peter B. Feather, for a term to end May 7, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-438

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An act to provide for the organization of the militia of the District of Columbia to establish the authority for the District of Columbia National Guard to provide tuition assistance benefits currently reserved for new recruits to all members of the District of Columbia National Guard who are District residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Guard Tuition Assistance Clarification Congressional Review Emergency Declaration Resolution of 2010".

Sec. 2. (a) The District of Columbia National Guard ("DCNG") services and provides direct support to both federal and District missions. For federal missions, the DCNG provides trained and ready units, personnel, and equipment. The DCNG also stands ready to defend and protect the District, plays an integral role in the District's Emergency Response Plan, and serves the community through a number of local programs.

(b) The Council of the District of Columbia included tuition assistance benefits for District resident members of the DCNG in the Fiscal Year 2007 Budget Request Act to improve the recruitment and strength of the DCNG. This enabled the District to become more competitive with surrounding jurisdictions which offer substantial educational benefits to members of their National Guard.

(c) The DCNG believes that the tuition assistance program as established in 2007 is only for new recruits and is not applicable to on-board members. However, the Office of the Attorney General, in responding to a request by the DCNG, has written that the tuition assistance program is not restricted to new recruits and can, in fact, be used for current DCNG personnel. Nevertheless, the language establishing the tuition assistance program should be clear on this point.

(d) The District's past contributions of \$48,000 to this program leverages an additional \$352,000 annually in federal funds. While the DCNG has interpreted the language establishing the tuition assistance program as restricting expenditure of the local appropriation to new DCNG recruits, there is no such restriction on the use of federal funds. The DCNG is concerned that the

## ENROLLED ORIGINAL

restricted access to the local funds for on-board members inhibits the DCNG's ability to retain qualified personnel.

(e) Allowing all DCNG members access to this program through this clarification in the law will enable the program to have a wider focus than recruitment and serve also as a retention tool and an incentive for District residents to stay in the city after they join the DCNG.

(f) Because this emergency expands who may participate in the DCNG tuition assistance program but does not modify the current funding level, there is no corresponding fiscal impact.

(g) Clarification of the law is needed now, to enable immediate use of fiscal year 2010 funds fully as intended.

(h) A version of this legislation was passed by emergency, D.C. Act 18-285, which is scheduled to expire on April 25, 2010. Accordingly, adoption of a Congressional review emergency is necessary to prevent a gap in the law.

(i) The National Guard Tuition Assistance Clarification Congressional Review Emergency Amendment Act of 2010 is identical to the permanent legislation incorporated into D.C. Act 18-349, which is currently pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the National Guard Tuition Assistance Clarification Congressional Review Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-439

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to establish a new process for graffiti abatement by property owners and the Mayor, to provide that certain actions by a property owner will be deemed to provide consent to permit the Mayor to abate graffiti, to establish an expedited process for adjudication of any notices of violation issued for failure to abate graffiti, to provide for the payment of abatement costs and penalties, to establish a graffiti abatement fund; to provide for liens against property involved in unresolved graffiti violations, and to provide graffiti abatement materials; and to amend the Office of Administrative Hearings Establishment Act of 2001 to provide the Office of Administrative Hearings with jurisdiction to adjudicate violations of this act; and to amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty act of 1982 to repeal provisions pertaining to graffiti abatement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anti-Graffiti Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Anti-Graffiti Emergency Act of 2010 establishes a new process for graffiti abatement by property owners and the Mayor. The legislation also allows for the removal of graffiti by establishing new procedures for notifying property owners, designating what actions by a property owner will imply consent to permit the Mayor to abate graffiti, establishing an expedited process for adjudicating any notices of violation issued for failure to abate graffiti, providing for the payment of abatement costs and penalties, and creating a graffiti abatement fund.

(b) This emergency is necessary to help expedite graffiti removal to preserve neighborhoods' appearance and reduce crime.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anti-Graffiti Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-440

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to deem the Old Naval Hospital project to have met the new community meeting and notice requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Old Naval Hospital Community Obligation Requirements Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate need to deem the Old Naval Hospital project to have met certain new community meeting and notice requirements that have previously been met during the years-long community process for the restoration and revival of the historic Old Naval Hospital.

(b) The years-long effort to restore and revive the Old Naval Hospital, located at 921 Pennsylvania Avenue, S.E., has been the subject of dozens of community meetings and hearings over the last 3 years, including official Advisory Neighborhood Commission deliberation and support for the project.

(c) The District was in the final stages of preparing the lease for the site with the Old Naval Hospital Foundation to submit to Council for approval when the Public Land Surplus Standards Amendment Act of 2009, effective March 3, 2010 (D.C. Law 18-115; 57 DCR 886), became law ("new law").

(d) Because the lease was not submitted to the Council before the effective date of the new law, its provisions would require the District to begin the community meeting and hearing process again, creating significant delays for a project that is poised to finally break ground and improve a deteriorated but historic structure.

(e) The emergency legislation will not make any changes to the requirement for the lease to be submitted for Council approval, but it will prevent the Old Naval Hospital project from beginning the community meeting process over again.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Old Naval Hospital Community Obligation Requirements Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-441

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to protect residents and communities from the predatory practices of pawnbrokers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Predatory Pawnbroker Regulation and Community Notification Emergency Declaration Resolution of 2010".

Sec. 2. (a) Pawnshops may charge interest rates on loans up to 60% per year.

(b) The District limits the amount of interest to just 24% per year for other lending institutions.

(c) Given the economic climate, more people have a need for quick access to cash than in stronger economic periods and are more likely to visit pawnshops.

(d) More people are thus likely to be victimized by these interest rates.

(e) On March 16, 2010, Councilmembers Bowser, Catania, Michael Brown, and Kwame Brown introduced the Predatory Pawnshop Regulation Act of 2010.

(f) The intent of that bill was to protect consumers and residents from predatory lending practices of pawnshops by limiting the interest rate chargeable by pawnshops to 24% per year, the same maximum rate chargeable by other lending institutions, and to require the Department of Insurance, Securities, and Banking to regulate pawnshops.

(g) That bill was co-sponsored by Councilmembers Cheh, Barry, Thomas, Alexander, and Mendelson.

(h) Until such time as that legislation is enacted, emergency legislation is necessary to protect consumers and residents from predatory lending practices.

(i) This legislation is necessary to protect consumers and communities from the predatory lending practices of pawnshops.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Predatory Pawnbroker Regulation and Community Notification Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-442

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to establish partial unemployment compensation and to provide employers with an alternative to layoffs by establishing a voluntary program that would enable an employer to reduce employee hours and have the employees receive unemployment compensation corresponding to the reduction in hours.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Keep D.C. Working Emergency Declaration Resolution of 2010".

Sec. 2. The Council of the District of Columbia finds that:

(1) While the District of Columbia is weathering the economic storm better than many of the neighboring jurisdictions, the District is experiencing a long-term unemployment crisis.

(2) The unemployment rate in the District is 12%, which ranks 6<sup>th</sup> in the nation, and is up from 8.4% a year ago and double what it was in April 2008.

(3) Layoffs can have devastating effects on employers because layoffs:

(A) Cause the employer to lose the skill set of a worker who is laid off, which sometimes means the loss of skills that were gained over several years;

(B) Kill the morale of the employees that do not lose their jobs, which decreases productivity; and

(C) Make it more difficult to ramp back up when the economy improves.

(4) There are 18 states that currently offer employers a voluntary workshare program and these programs are credited with saving more than 150,000 jobs last year alone.

(5) According to Mark Zandi, the chief economist at Moody's Economy.com, every dollar spent to fund worksharing programs results in a \$1.69 increase in gross domestic product the following years.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Keep D.C. Working Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-443

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to require group health plans, individual health plans, and health insurers to provide health insurance coverage for dependents who are under 26 years of age on the same terms that insurance benefits are provided to other covered dependents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Insurance for Dependents Emergency Declaration Resolution of 2010".

Sec. 2. The Council of the District of Columbia finds that:

(1) On March 23, 2010, President Obama signed the Patient Protection and Affordable Care Act into law.

(2) One of the provisions in the federal bill would allow dependent children to stay on their parent's health insurance until the age of 26. This provision, which will become effective on September 23, 2010, mirrored a bill that is currently before the Committee on Public Services and Consumer Affairs.

(3) The Health Insurance for Dependents Act of 2009, which was introduced on October 1, 2009, by Councilmembers Bowser and Catania, would enact this federal provision in the District.

(4) Current District law is silent as to what age a child must be allowed to stay on their parent's health insurance. As a result, many young adults in the District lose their health insurance when they graduate from college.

(5) With college graduation season set to begin shortly, this emergency action is necessary so that our soon-to-be college graduates who will return home this summer will be able to continue to have health insurance coverage under their parents' plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Insurance for Dependents Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-444

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to require publicly funded health maintenance organizations and prepaid health plans to comply with the prevailing premium assessment on commercial health maintenance organizations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medicaid Resource Maximization Emergency Declaration Resolution of 2010".

Sec. 2. (a) Currently, a health maintenance organization is excluded from paying taxes equal to 2% of its policy and membership fees, and net premium receipts pursuant to the District Medicaid program, the Healthy DC program, or the DC HealthCare Alliance.

(b) The Office of the Chief Financial Officer has stated that the Department of Health Care Finance is facing a fiscal year 2010 spending pressure of approximately \$29 million.

(c) The Department of Health Care Finance's spending pressure is largely attributed to the increased enrollment in public programs due to the deteriorating economy.

(d) This legislation will generate approximately \$3,334,086 in fiscal year 2010 and \$34,620,240 over the budget and financial plan period to be reinvested into the District's publicly funded health insurance programs.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medicaid Resource Maximization Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-445

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to approve the reprogramming request of \$1,186,091 within the Department of Parks and Recreation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming No. 18-105 Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Mayor submitted to the Council a reprogramming request of \$1,186,091 from the capital budget authority and an allotment from various Department of Parks and Recreation ("DPR") Projects to DPR Project RE017C, Parkview Recreation Center.

(b) Funds are proposed to be reprogrammed from approximately 14 of DPR's completed projects to be used to fund an improved ball field at Parkview Recreation Center in Ward 1.

(c) On Monday, March 29, 2010, the day before this reprogramming was to be deemed approved according to District law, 2 separate disapproval resolutions were filed with the Office of the Secretary to the Council. Therefore, the period of review was extended to 30 days, ending on Saturday, April 24, 2010.

(d) Without this reprogramming, the Parkview Community Center will face further delays to completion.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reprogramming No. 18-105 Emergency Approval Resolution of 2010 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-446

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To approve, on an emergency basis, the reprogramming request of \$1,186,091 of capital budget authority and allotment from various Department of Parks and Recreation projects to Department of Parks and Recreation Project RE017C, Parkview Recreation Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming No. 18-105 Emergency Approval Resolution of 2010".

Sec. 2. (a) Pursuant to section 47-363 of the District of Columbia Official Code, the Mayor transmitted to the Council a reprogramming request in the amount of \$1,186,091 from the capital budget authority and allotment from various Department of Parks and Recreation projects to Department of Parks and Recreation Project RE017C, Parkview Recreation Center.

(b) The Council approves the \$1,186,091 reprogramming request.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-447

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to clarify the tax withholding treatment of lottery payments made in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Withholding of Tax on Lottery Winnings Emergency Declaration Resolution of 2010".

Sec. 2. (a) Last year, a winning Powerball ticket was purchased in the District of Columbia.

(b) Emergency and temporary legislation passed last year is set to expire; however, the next winner could happen at any time.

(c) Pursuant to the terms of the Powerball rules, prizes will be awarded either as a lump sum or as an initial payment and yearly annuity to the entity holding the winning ticket through the District of Columbia Lottery and Charitable Games Control Board. Whether paid as a lump sum or as annuitized payments over several years, the tax on the amount constructively received is due to the District of Columbia unless the winning entity provides the payor with a statement that the income is not subject to District tax.

(d) Because winning Powerball payments may be claimed at any time, emergency legislative action is needed to continue ensure that the interests of the District of Columbia will be protected by requiring that withholding of tax be effected at time of payment. The emergency legislation authorizes withholding on amounts of any lottery winnings to the same extent as provided in section 3402(q) of the Internal Revenue Code of 1986. The emergency legislation also provides for withholding of tax for income, franchise, or unincorporated business franchise tax, as applicable.

(e) In addition to the large jackpot Powerball winner, amounts have been withheld from winners of lesser prizes.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Withholding of Tax on Lottery Winnings Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

18-448

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to clarify the nature of the tax-exempt project at Third & H Streets, N.E., and to make a technical change.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the the "Third & H Streets, N.E. Economic Development Technical Clarification Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Council approved Bill 18-432, the Third & H Streets, N.E. Economic Development Act of 2010, which was enacted as D.C. Act 18-353 on April 2, 2010.

(b) Subsequent to the act's passage, the Council learned that the definition of the "Third & H Streets, N.E. project" in the act had omitted "leasing" from the list of actions properly included in the definition and that further clarification is needed to ensure that the tax exemptions and abatements contained in the act are appropriately construed to include leasing activity.

(c) Emergency action is needed to clarify the Council's intent that certain taxes related to the leasing, financing, refinancing, or reimbursing of costs incurred for the acquisition, development, construction, installation, and equipping of the Third & H Streets, N.E. project are exempt.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Third & H Streets, N.E. Economic Development Technical Clarification Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-448

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to clarify the nature of the tax-exempt project at Third & H Streets, N.E., and to make a technical change.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the the "Third & H Streets, N.E. Economic Development Technical Clarification Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Council approved Bill 18-432, the Third & H Streets, N.E. Economic Development Act of 2010, which was enacted as D.C. Act 18-353 on April 2, 2010.

(b) Subsequent to the act's passage, the Council learned that the definition of the "Third & H Streets, N.E. project" in the act had omitted "leasing" from the list of actions properly included in the definition and that further clarification is needed to ensure that the tax exemptions and abatements contained in the act are appropriately construed to include leasing activity.

(c) Emergency action is needed to clarify the Council's intent that certain taxes related to the leasing, financing, refinancing, or reimbursing of costs incurred for the acquisition, development, construction, installation, and equipping of the Third & H Streets, N.E. project are exempt.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Third & H Streets, N.E. Economic Development Technical Clarification Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-450

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to approve Contract No. POFA-2005-D-0003 with Hawk One Security, Inc. and to authorize payment to Hawk One Security, Inc. in the amount of \$2,564,248 for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Hawk One Security Option Year Contract Approval and Payment Authorization Emergency Declaration Resolution of 2010".

Sec. 2. (a) Section 451(b) of the District of Columbia Home Rule Act ("Home Rule Act") states that "(n)o contract involving expenditures in excess of \$1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract." D.C. Official Code § 1-204.51(b)). That section was added to the District of Columbia Charter by Congress in 1995 at the request of the Council and has always been interpreted to require each option year of a contract to be submitted to the Council for review and approval.

(b) On January 7, 2009, the Attorney General emailed all agency contracting officers and ordered them to ignore the longstanding practice of this and previous administrations, and cease sending option contracts in excess of \$1 million to the Council for review and approval. As a result, option-year contracts in excess of \$1 million were not submitted to the Council for review and approval during the period from January 7, 2009 to October 1, 2009.

(c) The Council affirmed and clarified the clear requirements of the Home Rule Act and the longstanding practice of this and previous administrations to submit option-year contracts in excess of \$1 million for Council review and approval by adopting the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), and the Criteria for Council Review of Contract Options Clarification Amendment Act of 2009, effective March 3, 2010 (D.C. Law 18-111; 57 DCR 181). After adoption of these acts, the Executive resumed transmitting option-year contracts in excess of \$1 million. However, there remained a need to obtain the actual option-year contracts for the period between January and October 1, 2009 that had been withheld by the Mayor not only for purposes of Council review and approval, but because these are public

## ENROLLED ORIGINAL

contracts involving the expenditure of public funds, and the public – as well as the Council – has a right to know whether contracts are being renewed and on what terms they are being renewed. The Council's Charter right to review contracts cannot be contingent upon whether the Executive decides to formally transmit contracts.

(d) A contract is either a multiyear contract that requires active Council approval under section 451(c) of the Home Rule Act, or it is a one-year contract that requires Council approval under section 451(b) of the Home Rule Act if the contract requires appropriations in excess of \$1 million during the 12-month period. The approval of the 12-month base term of a contract in excess of \$1 million does not obviate the Home Rule Act requirement that each option year in excess of \$1 million be submitted to the Council for review and approval.

(e) Reviewing contracts of over \$1 million is an important oversight function of the Council and the failure to be provided with these contracts, and other documents, impairs the Council's ability to discharge that function, as defined by the Charter.

(f) On February 26, 2010 the Committee on Public Safety and the Judiciary ("Committee") held a public oversight roundtable to discuss certain contracts related to the Committee's purview, including Contract No. POFA-2005-D-0003 with Hawk One Security, Inc. for District of Columbia Public Schools' security and related services.

(g) The Committee requested that the Executive review certain concerns and follow up with the Committee upon resolution and the Executive did so by transmitting correspondence on March 30, 2010 stating that retroactive approval of the contract would not affect any actual litigation and that they could not foresee that retroactive approval would have any negative impact on any litigation filed by either Hawk One Security Inc., or the District.

(h) There exists an immediate need to retroactively approve and authorize payment for this option-year contract because the contract has not been approved by the Council as required by the Home Rule Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Hawk One Security Option Year Contract Approval and Payment Authorization Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-451

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to amend An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardianships to extend the adoption subsidy for a child from 18 years of age to 21 years of age; and to amend Chapter 23 of Title 16 of the District of Columbia Official Code to extend the guardianship subsidy for a child from 18 years of age to 21 years of age, and to clarify that a child who exits foster care to a guardianship or an adoption may not reenter foster care.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adoption and Guardianship Subsidy Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate crisis regarding permanency for youth in foster care. Two barriers of particular concern to the Council involve adoption and guardianship subsidies. First, adoption and guardianship subsidies end on a child's 18th birthday while foster care subsidies continue until a child reaches age 21. The disparity creates a disincentive for many foster parents to become adoptive parents or guardians. Consequently, children remain in foster care.

(b) Additionally, guardianship subsidies do not currently include non-kinship caregivers. For many foster children, especially older youth, there continues to be a strong connection and sense of identity with their biological family. Guardianship is often an appropriate alternative to foster care because guardianship provides legal permanency without severing established relationships with a child's biological family. Yet, for many families in need of financial assistance, the lack of non-kinship guardianship subsidies removes permanency as an option for the child and the child remains in foster care.

(c) On March 4, 2010, the Committee on Human Services ("Committee") held a public hearing on the Adoption Reform Amendment Act of 2010 ("Bill 18-529"), which included measures to extend adoption and guardianship subsidies for children until the age of 21 and expand the guardianship subsidy to non-kinship caregivers.

(d) These subsidies must be extended immediately for children until the age of 21 to help

## ENROLLED ORIGINAL

prevent having youth remain in foster care instead of being adopted or placed with a permanent guardian. The guardianship subsidy must be expanded immediately to include non-kinship caregivers, thereby offering additional permanency options for youth with strong familial ties.

(e) The Office of the Chief Financial Officer has stated that funds are sufficient to support the immediate passage of these measures regarding adoption and guardianship subsidies as addressed in Bill 18-529.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Adoption and Guardianship Subsidy Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-452

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to approve proposed regulations for the District of Columbia Housing Authority's capital-based assistance grants program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Rent Supplement Proposed Rulemaking Approval Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate need to approve the District of Columbia Housing Authority's ("DCHA") regulations governing capital-based assistance under the Local Rent Supplement Program.

(b) The regulations set forth the process for awarding capital gap financing in the form of capital improvement or construction grants for projects that have been awarded operating subsidies by DCHA but are in need of gap financing to complete the construction or rehabilitation of housing units.

(c) DCHA has published emergency and proposed rulemaking in the District of Columbia Register. The regulations provide DCHA with the needed flexibility to carry out the intent of the Council to provide the capital gap financing on an expedited basis.

(d) The capital gap financing will be used for the construction or rehabilitation of housing units of owners or sponsors previously awarded project-based or sponsor-based operating subsidies by DCHA under the Local Rent Supplement Program, but for which the owner or sponsor has been unable to complete the project due to a financing gap.

(e) The award of the capital funds will expedite the construction or rehabilitation of housing units for extremely low-income households not currently housed and in need of permanent housing. The approval of the regulations will allow for the award of the capital-based assistance on an expedited basis.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Authority Rent Supplement Proposed Rulemaking Emergency Approval Resolution of 2010 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-453

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To approve, on an emergency basis, proposed regulations governing capital-based assistance grants under the Local Rent Supplement Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Rent Supplement Proposed Rulemaking Emergency Approval Resolution of 2010".

Sec. 2. Pursuant to section 26a of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-226), the Council approves the proposed regulations that would amend Chapter 95 of Title 14 of the District of Columbia Municipal Regulations to regulate the District of Columbia Housing Authority's Local Rent Supplement Program capital-based assistance grants program.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and Executive Director of the District of Columbia Housing Authority.

Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A RESOLUTION

18-454

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the sense of the Council that due to the brilliant life and legacy of Dr. Dorothy I. Height, full city honors be bestowed to Dr. Height upon her passing on April 20, 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Honoring the Life and Legacy of Dr. Dorothy I. Height Resolution of 2010".

Sec. 2. The Council finds that:

(1) For nearly half a century, Dorothy Irene Height has given leadership to the struggle for equality and human rights for all people. Her life exemplified her passionate commitment for a just society and her vision of a better world.

(2) Born in Richmond, Virginia, on March 24, 1912, Dr. Height established herself early as a dedicated student with exceptional oratorical skills. After winning a \$1,000 scholarship in a national oratorical contest on the United States Constitution, sponsored by the Elks, and a record of scholastic excellence, she attended New York University and earned her bachelor and master's degrees in 4 years. She did postgraduate work at Columbia University and the New York School of Social Work.

(3) In 1933, Dr. Height became a leader of the United Christian Youth Movement of North America in the New Deal era. It was during this period that Dr. Height's career as a civil rights advocate began to unfold, as she worked to prevent lynching, desegregate the Armed Forces, and reform the criminal justice system, and for free access to public accommodations. Dr. Height was an organizer and served as Vice President of the United Christian Youth Movement of North America. In this capacity, she was chosen as one of 10 American youth delegates to the World Conference on Life and Work of the Churches in Oxford, England. Two years later, in 1939, she was a representative of the YWCA to the World Conference of Christian Youth in Amsterdam, Holland.

(4) The year 1937 was the turning point in the life of Dr. Dorothy Height. She was serving as Assistant Executive Director of the Harlem YWCA when Mary McLeod Bethune, founder and president of the National Council of Negro Women ("NCNW"), noticed young Height, who was escorting Eleanor Roosevelt into the NCNW meeting. Mrs. Bethune

## ENROLLED ORIGINAL

invited Height to join NCNW in her quest for women's rights to full and equal employment, pay, and education.

(5) For 33 years (1944 - 1977), Dr. Height served on the staff of the National Board of the YWCA of the USA and held several leadership positions in Public Affairs and Leadership Training and as Director of the National YWCA School for Professional Workers. In 1965, she was inaugurated and became Director of the Center for Racial Justice, a position she held until her retirement.

(6) In 1952, Dr. Dorothy I. Height served as visiting professor at the University of Delhi, India, in the Delhi School of Social Work, which was founded by the YWCAs of India, Burma, and Ceylon. She became known for her internationalism and humanitarianism, and conducted international studies and travel to expand the work of the YWCA. Moreover, Dr. Height made a study of the training of women's organizations in 5 African countries: Liberia, Ghana, Guinea, Sierra Leone, and Nigeria under the Committee of Correspondence.

(7) In 1947, Dr. Height was elected National President of Delta Sigma Theta Sorority, and served until 1956. She carried the Sorority to a new level of organizational development, initiation eligibility, and social action throughout her term. Her leadership training skills, social work background, and knowledge of volunteerism benefited the Sorority as it moved into a new era of activism on the national and international scene.

(8) In 1957, Dr. Height was elected 4<sup>th</sup> National President of NCNW and served until 1998, when she became Chair and President Emerita, and was active in that capacity until her passing on April 20, 2010.

(9) In 1960, Dr. Height was the woman team member leader in the United Civil Rights Leadership along with Martin Luther King, Whitney H. Young, A. Philip Randolph, James Farmer, Roy Wilkins and John Lewis. While Dr. Height was participating in major Civil Rights leadership, she led NCNW to deal with unmet needs among women and their families to combat hunger, develop cooperative pig banks, and provide families with community freezers and showers.

(10) In 1964, after the passage of the Civil Rights Act, Dr. Height with Polly Cowan, an NCNW Board Member, organized teams of women of different races and faith as "Wednesdays In Mississippi" to assist in the freedom schools and open communication between women of difference races. The workshops which followed stressed the need for decent housing, which became the basis for NCNW in partnership with the Department of Housing and Urban Development to develop Turnkey III Home Ownership for low-income families in Gulfport, Mississippi.

(11) Dr. Height directed countless efforts to advocate for human rights, including establishing the Women's Center for Education and Career Advancement in New York City to prepare women for entry-level jobs. From this experience in 1975, Dr. Height, in collaboration with Pace College, established a first-time Associate Degree for Professional Studies (AAPS) - now incorporated as a regular professional studies degree course at Pace University.

## ENROLLED ORIGINAL

(12) Through many causes, Dr. Height worked tirelessly to promote justice for Black women and since 1986 worked to strengthen the Black family, and all people, particularly here, in her beloved Washington, D.C., where NCNW is located at 633 Pennsylvania, Ave, N.W.

Sec. 3. It is the sense of the Council that due to the brilliant life and legacy of Dr. Dorothy I. Height, full city honors be bestowed to Dr. Height upon her death on April 20, 2010.

Sec. 4. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and the National Council of Negro Women.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

18-455

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the existence of an emergency with respect to the need to pass the sense of the Council Against a Gun Amendment on the District of Columbia Voting Rights Act Emergency Resolution of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Against a Gun Amendment on the District of Columbia Voting Rights Act Emergency Declaration Resolution of 2010".

Sec. 2. (a) Within the past week, it has been reported that the United States House of Representatives will take up consideration of the District of Columbia Voting Rights Act, which would give the District of Columbia a voting member of the House of Representatives.

(b) However, it has been reported that an effort will be made to amend the bill similar to the so-called Ensign amendment adopted by the United States Senate on February 26, 2009, which would restrict the Council's authority to legislate laws or regulations that restrict the private ownership or use of firearms, and the amendment would repeal major portions of the District's firearms regulation law codified at D.C. Official Code § 7-2501 *et seq.*

(c) Because the Congress may consider the amendment this week, it is important that the Council act immediately to express its view regarding the proposed amendment.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council Against a Gun Amendment on the District of Columbia Voting Rights Act Emergency Resolution of 2010 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-456

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 20, 2010

To declare the sense of the Council that the United States Congress must not adopt any amendment to the District of Columbia Voting Rights Act restricting the District government's ability to legislate the regulation of firearms, or repealing the Firearms Registration Amendment Act of 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Against a Gun Amendment on the District of Columbia Voting Rights Act Emergency Resolution of 2010".

Sec. 2. (a) On March 3, 2009, the Council adopted Resolution 18-57, stating that "the United States Congress must not adopt any amendment to the voting Rights Act that restricts the District government's ability to legislate the regulation of firearms, or that repeals D.C. Act 17-708, the Firearms Registration Amendment Act of 2008."

(b) Within the past week, it has been reported that the United States House of Representatives will take up consideration of the District of Columbia Voting Rights Act, which would give the District of Columbia a voting member of the House of Representatives, and an effort will be made to add an amendment to the bill that would be similar to the so-called Ensign amendment adopted by the United States Senate on February 26, 2009, which would restrict the Council's authority to legislate laws or regulations that restrict the private ownership or use of firearms and would repeal major portions of the District's firearms regulation law codified at D.C. Official Code § 7-2501 *et seq.*

(c) The Council reiterates its support for voting representation in both houses of the United States Congress.

(d) The Council also reiterates its opposition to any amendment that would restrict the Council's authority to legislate laws or regulations that restrict the private ownership or use of firearms or that would repeal major portions of the District's firearms regulation law codified at D.C. Official Code § 7-2501 *et seq.* The Council reiterates its position articulated in Resolution 18-57.

## ENROLLED ORIGINAL

(e) Last year, the District experienced the fewest recorded homicides since 1966. There was a 23% drop in homicides involving guns relative to 2008.

(f) On March 26, 2010, the United States District Court for the District of Columbia held that the District's revised gun regulations complied with the United States Constitution and the Supreme Court's decision in *Heller v. District of Columbia*.

(g) On March 30, 2010, the District suffered the worst mass shooting in almost 2 decades when 9 young adults were shot. Four of the victims were murdered, the youngest being a 16-year-old girl. The murder weapons – an assault rifle and semi-automatic pistols – are currently illegal, but would be rendered legal by the reported Congressional amendment.

(h) The Chief of Police has testified before the Council that repealing the District's firearms regulation law would impede the Metropolitan Police Department's ability to confront violence, and violence would likely increase.

(i) Gun regulation is especially important in the District given the presence of all elected federal government officials as well as the diplomatic community, and given that the District is a known target for terrorism.

Sec. 3. It is the sense of the Council of the District of Columbia that the United States Congress must not adopt any amendment to the District of Columbia Voting Rights Act that restricts the District government's ability to legislate the regulation of firearms, or that repeals D.C. Law 17-372, the Firearms Registration Amendment Act of 2008.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to Congresswoman Eleanor Holmes Norton and to the majority and minority leaders of both the House of Representatives and the Senate.

Sec. 5. This resolution shall take effect immediately.